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FAX TRANSMISSION**DATE:** June 23, 2005**PTO IDENTIFIER:** Application Number 10/726,585-Conf. #5069
Patent Number**Inventor:** Harry A. Dugger, III**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP

James W. Brady, Jr.

PHONE: (202) 775-4786**Attorney Dkt. #:** N9810.0034/P034**PAGES (Including Cover Sheet):** 5**CONTENTS:** Transmittal (1 page)
Comments on Examiner's Statement of Reasons for Allowance (2 pages)
Certificate of Transmission (1 page)

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Application No. (if known): 10/726,585

Attorney Docket No.: N9810.0034/P034

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Transmittal (1 page)

Comments on examiner's Statement of Reasons for Allowance (2 pages)

DSMDB.1945122.1

PTO/SB/21 (06-04)

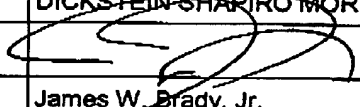
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number		10/726,585-Conf. #5069	
		Filing Date		December 4, 2003	
		First Named Inventor		Harry A. Dugger, III	
		Art Unit		1616	
		Examiner Name		M. Haghighatian	
		Attorney Docket Number		N9810.0034/P034	
Total Number of Pages in This Submission		3			

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Comments on Examiner's Statement of Reasons for Allowance
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP		
Signature			
Printed name	James W. Brady, Jr.		
Date	6/23/05	Reg. No.	32,115

DSMDB.1940822.1

JUN 23 2005

Docket No.: N9810.0034/P034
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Harry A. Dugger, III

Application No.: 10/726,585

Confirmation No.: 5069

Filed: December 4, 2003

Art Unit: 1616

For: BUCCAL, POLAR AND NON-POLAR
SPRAY OR CAPSULE CONTAINING
DRUGS FOR TREATING DISORDERS OF
THE CENTRAL NERVOUS SYSTEM

Examiner: M. Haghighatian

COMMENTS ON EXAMINER'S STATEMENT
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Arlington, VA 22314

Dear Sir:

The Applicant thanks the Examiner for the courtesies extended to Applicant's representative during a telephone conversation on June 16, 2005. As noted during the telephone conversation, the May 18, 2005 Notice of Allowance did not indicate that the Supplemental Information Disclosure Statement (IDS) filed May 13, 2005 was considered. The Examiner indicated that she would consider the IDS and forward an initialed copy to the Applicant.

Applicant agrees in part with the Examiner's statement for allowance contained in the Notice of Allowance of May 18, 2005. WO 94/13280 refers to a sprayable analgesic composition. However, WO 94/13280 does not refer to any suitable active agent beyond acetaminophen and ibuprofen. WO 94/13280 does not disclose, for

DSMDB.1940817.1

Application No.: 10/726,585

Docket No.: N9810.0034/P034

example, acetylcholinesterase inhibitors, nerve impulse inhibitors, anti-cholinergics, anti-convulsants, anti-psychotics, anxiolytic agents, dopamine metabolism inhibitors, agents to treat post stroke sequelae, neuroprotectants, agents to treat Alzheimer's disease, neurotransmitters, neurotransmitter agonists, sedatives, agents for treating attention deficit disorder, agents for treating narcolepsy, central adrenergic antagonists, anti-depression agents, agents for treating Parkinson's disease, benzodiazepine antagonists, stimulants, neurotransmitter antagonists, or tranquilizers.

EP 656 206 refers to an aerosol formulation for oral and/or nasal administration including actives such as antihistamines, antiallergics, analgesics, antibiotics, steroids, and bronchodilators. EP 656 206 does not disclose a propellant in an amount between 2 and 10 percent nor does EP 656 206 mention delivery to the buccal mucosa.

Dated: 6/23/05

Respectfully submitted,

By 

James W. Brady, Jr.

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